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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

DEFENDERS OF WILDLIFE, et al.,)	Case No. cv-09-77-M-DWM (Lead)
)	cv-09-82-M-DWM
Plaintiffs,)	(consolidated cases)
v.)	
)	FEDERAL DEFENDANTS’
KEN SALAZAR, et al.,)	MOTION FOR SUMMARY
)	JUDGMENT
Defendants.)	
_____)	
)	
GREATER YELLOWSTONE)	
COALITION,)	
)	
Plaintiff,)	
v.)	
)	
KEN SALAZAR, et al.,)	
)	
Defendants)	
_____)	

Federal Defendants move pursuant to Federal Rule of Civil Procedure 56 for summary judgment on Plaintiffs' Defenders of Wildlife, *et al.*, and Greater Yellowstone Coalition's complaints for declaratory and injunctive relief. As set forth in the accompanying memorandum in support of Federal Defendants' cross-motion for summary judgment, the United States Fish and Wildlife Service's ("FWS") Final Rule To Identify the Northern Rocky Mountain Population of Gray Wolf as a Distinct Population Segment and To Revise the List of Endangered and Threatened Wildlife, 74 Fed. Reg. 15123 (Apr. 2, 2009), and the record, FWS considered all relevant factors and articulated a rational basis for its decision. Further, FWS's decision complies with all applicable laws and is entitled to deference by the Court. *Lands Council v. McNair*, 537 F.3d 981, 991 (9th Cir. 2008) (*en banc*). For these reasons, the Court should grant Federal Defendants' Cross-Motion for Summary Judgment, deny Plaintiffs' Motions for Summary Judgment, and enter final judgment in favor of Federal Defendants.

Plaintiffs' counsel have indicated that they will oppose this motion.

DATED this 23rd day of November, 2009,

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/s/ Michael R. Eitel

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CERTIFICATE OF COMPLIANCE

I certify that the attached motion is proportionately spaced, has a typeface of 14 points or more, and contains 172 words of text.

/s/ Michael R. Eitel

MICHAEL R. EITEL, Trial Attorney

CERTIFICATE OF SERVICE

I certify that on the 23rd day of November, 2009, the Department of Justice served copies of the attached document by CM/ECF to counsel of record.

/s/ Michael R. Eitel

MICHAEL R. EITEL, Trial Attorney